



Registry of Interpreters for the Deaf, Inc.

November 14, 2012

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CG Docket Nos. 03-123 and 10-51 "Structure and Practices of the Video Relay Service Program" and "Proposed VRS Compensation Rates"

Dear Secretary Dortch:

The Registry of Interpreters for the Deaf, Inc. (RID) offers the following comments in response to the Federal Communications Commission's (FCC) Public Notice (DA 12-1644) released on October 15, 2012, regarding the Video Relay Service (VRS) Program. Our comments represent concerns expressed by our members who interpret the calls of deaf and hard of hearing users in the nation's VRS centers.

Additional Comment on Structural Reform Options (p. 3 Public Notice)

RID's focus is on the third interlinked component of the VRS structure as defined on page 3:

VRS communications require the interaction of three separate yet interlinked components: VRS access technologies, video communication service, and **relay service provided by American Sign Language (ASL)-fluent communication assistants (CAs).**

RID's first recommendation is that the FCC recognize, through formalized language in rulings and regulations, that CAs are performing the professional task of *interpreting* between at least two languages when they handle the calls that come to their stations. This misunderstanding of the true function of CAs in VRS settings can bar the way to true functional equivalence for the deaf and hard of hearing people who depend on a strong VRS system. The need to be fluent in multiple languages (English, ASL, and, in some cases, Spanish) is only a part of the knowledge- and skill-base that effective interpreters must possess, as interpreters must also engage appropriate strategies for achieving message equivalence. Such strategies are learned through formal study, education and preparation.

RID strongly believes that lessening the importance of the interpreting process does a disservice to our members who have worked for years to acquire the knowledge-base to engage in interpreting, and who have honed their skills and earned certification. Worse, by ignoring that interpreting is the core service of the VRS Program, it weakens the guarantee of functional equivalence for the nation's deaf and hard of hearing consumers.

Rate Proposals (page 6 Public Notice)

RID understands that reimbursement rates are a matter of business between VRS providers, the FCC and the Fund administrators. However, to assure that any rate reductions do not negatively impact the quality of VRS service, we feel that it is imperative to repeat our recommendation that the FCC consider establishing minimum standards to protect the integrity of the services provided through VRS. Further, RID recommends that the FCC work with RID and a committee of knowledgeable experts, researchers and regulators to develop occupational safety standards for VRS CAs.

Minimum Standards: The FCC is to be applauded for reviewing the rates, structure and practices of the VRS Program. RID supports your commitment to ensure that the VRS Program continues to offer functional equivalence to all eligible users. We believe that now is the time to review the definition of quality service. For CAs to be *fluent in ASL*, as previously stated by the FCC, is no longer enough to guarantee the quality needed to meet functional equivalence.

RID believes that NAD-RID national certification, which is the oldest and most robust system in the country, should serve as the minimum standard for qualifications for our country's national VRS system..¹ RID certified interpreters can be found across the United States with a credential that is recognized in the laws and regulations of 45 states and commonwealths. RID recommends using this national model because of its long-standing history as a national certifying body, its commitment to professional development and its adherence to the NAD-RID Code of Professional Conduct. RID currently has more than 9,500 RID certified interpreters with another 500 or more who have begun the certification process. There are certainly sufficient resources within the nation to staff and assist in supporting a strategic direction within the VRS Program to provide the highest quality services that will ultimately lead to successful and functionally equivalent calls for deaf and hard of hearing persons.

In their comments responding to the FCC NPRM (FCC 11-184, December 15, 2011), leading consumer groups called for a national certification standard and specifically recommended the RID-NAD National Interpreter Certification. They went on to state that "certified CAs who are experienced, educated professionals should be the standard and not a premium service."²

While RID and consumer groups have recommended the NAD-RID National Interpreter Certification as the preferred standard, we recognize that there are interpreters needed in the VRS system that have no access to a national certification. Those interpreters who provide ASL-Spanish interpreting services or trilingual (English-Spanish-ASL) services are currently without a national certification to assure the quality of the interpreters hired for this purpose.

¹ Registry of Interpreters for the Deaf (RID). *Video Relay Service Interpreting, Standard Practice Paper*, www.rid.org/

² Deaf and Hard of Hearing Consumer Advocacy Network, TDI, et. al (DHHCAN) March 9, 2012 Reply Comments, CG Docket Nos. 10-51 and 03-123 page 11, II.A.2.

RID is currently collaborating with Mano a Mano, an organization of trilingual (Spanish-English-ASL) interpreters that believes in high quality services for deaf and hearing stakeholders, to discuss options for this portion of the CA population. Until a solution is determined and available, we would suggest that a temporary waiver for these interpreters be considered pending the implementation of a suitable plan (e.g., recognition of an appropriate assessment instrument and/or creation of protocols for phasing in the national certification requirement for interpreters who work with Spanish for VRS calls). We do not, however, recommend that we abandon a standard for the majority of CAs who now serve as ASL-English interpreters within the VRS system.

There are currently many pre-certified interpreters serving as CAs. Again, RID recommends a supervised, phased-in transition period within which they can successfully earn the FCC designated nationally accepted certification. We would urge that this grace period be of appropriate length for them to obtain this credential, but not so long a period as to weaken the VRS system for the deaf and hard of hearing consumer base.

Occupational Safety Standards for Communication Assistants (CAs)

The 2010 rate reductions resulted in interpreter cutbacks and job losses, the closure of VRS centers across the country, and the implementation of new hiring practices. RID and our members have great concern that, without regulation and mandates by the FCC related to interpreter qualifications, further decreases in rates will adversely impact VRS quality by: 1) allowing the off-set of rates through lowered hiring standards and requirements and, 2) increasing productivity expectations of working CAs (e.g., limiting breaks, asking interpreters to work for unhealthy periods of time, and restricting the support of CDIs).

The potential for overworked interpreters and reduced breaks will not only threaten the health of the professional interpreters working as CAs, but will certainly impact the overall quality of service provided through VRS. Research has demonstrated that, "interpreters' work quality decreases after 30 minutes."³ Current protocols for CAs' work expectations are primarily driven by productivity concerns and not on the occupational safety of this work force. To ignore the occupational safety aspects of the interpreting profession within the VRS structure will only result in abandoning the standard practices that have demonstrated proven success in effective communication facilitation for this field.

VRS has revolutionized communication access for deaf and hard of hearing people and has had a profound effect on the interpreting profession. But as with any advancement, there is always the need to evaluate the status quo and implement changes for greater efficiency and effectiveness. Clearly, VRS cannot function without skilled, capable interpreters⁴, and now is the time for a more thorough review of the structure as it relates to minimum standards and occupational safety for the assurance of quality interpreting service.

³ Andrew Erickson, *Team Interpreting In The Courtroom*, National Association of Judiciary Interpreters & Translators. Washington: 2007. www.najit.org/publications/Team%20Interpreting_052007.pdf

⁴ RID, *Video Relay Service Interpreting, Standard Practice Paper*, www.rid.org/

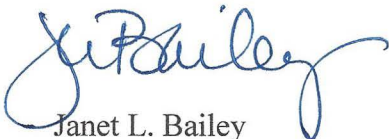
Summary

As such, RID respectfully recommends that the FCC:

1. Recognize interpreters as the professionals who provide the core service of VRS in meeting functional equivalence.
2. Establish a minimum standard for interpreters working in VRS.
3. Consider a phased-in time period for current pre-certified interpreters to earn credentials to meet the standard.
4. Consider a waiver for interpreters who work with Spanish in VRS calls until an assessment instrument is recognized.
5. Work with RID and a committee of knowledgeable experts, researchers and regulators to develop occupational safety standards to protect CAs.

Thank you for your time and consideration of our comments and recommendations. RID stands ready to respond to any questions or requests for clarification.

Sincerely,



Janet L. Bailey

Government Relations Representative